

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

THOMAS STEVEN FLAHERTY, ADC #115819

PLAINTIFF

v.

CASE NO. 2:12CV00103 BSM-JTR

**AVERY G. COX, Corporal; and
TYRONE L. WASHINGTON, Supervisor,
East Arkansas Regional Unit**

DEFENDANTS

ORDER

The proposed findings and recommended partial disposition submitted by United States Magistrate Judge J. Thomas Ray and the filed objections have been reviewed. After carefully considering these documents and making a *de novo* review of the record, it is concluded that the proposed findings and recommended partial disposition should be, and hereby are, approved and adopted in their entirety in all respects.

IT IS THEREFORE ORDERED that:

1. Pursuant to the screening function mandated by 28 U.S.C. § 1915A, plaintiff may PROCEED with his excessive force claim against defendant Cox.
2. All other claims and defendants are DISMISSED, WITHOUT PREJUDICE, for failure to state a claim upon which relief may be granted.
3. The clerk's office is directed to prepare a summons for defendant Cox, and the U.S. Marshal is directed to serve the summons, complaint, amended complaint, and this order on him through the ADC Compliance Division without prepayment of fees and costs or security therefor. If defendant Cox is no longer an ADC employee, then the individual

responding to service shall file his last known private mailing address **under seal**.

4. It is further CERTIFIED, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this order would not be taken in good faith.

Dated this 17th day of August 2012.


UNITED STATES DISTRICT JUDGE